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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/525,540 | 02/24/2005 | Naoyuki Maeda | 1716372 | 7009 |
| 24240 7590 02/01/2008 CHAPMAN AND CUTLER 111 WEST MONROE STREET CHICAGO, IL 60603 | | | EXAMINER TRA, TUYEN Q | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/525,540 | Applicant(s) MAEDA ET AL. | |
| | Examiner TUYEN Q. TRA | Art Unit 2873 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6, 8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 12-17, 19 and 21 is/are allowed.
- 6) ☒ Claim(s) 8, 10, 11, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claims 4, 12, 13-15 and 19 is withdrawn in view of reconsideration of the previous cited reference. Rejections are as follow.

Claim Objections

1. Claims 6 and 17 are objected to because of the following informalities: The claims recite "a zoom lens or an auxiliary lens" which should be changed to --a zoom lens and an auxiliary lens-- since the limitations follows it is a combination of a zoon lens and auxiliary lens.

Appropriate correction is needed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. ,'

3. Claims 4-6, 12, 13, 15-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al. (U.S. Patent 5,150,146 A).

- a) With respect to claims 4, 5 and 6, Ueda et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis (item Op); and a main body (figure 1, item 1) which is arranged integrally with the supporting part and which comprises an illumination optical system (figure 1, item 11, 12) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, not numbered) intersected at a predetermined angle with the photographing optical axis, wherein an illuminating condition depends on an angle

formed by the photographing optical axis and the illumination optical axis, and volume of the illumination beam (different angles with different illuminations).

wherein the main body (1) comprises a photographing assistant optical system (figure 2, item 2, zooms lens) which is configured in such a manner that a photographic condition of the photographing assistant optical system (item 2) is changeable in accordance with changing of illumination conditions (column 4, line 54- 59).

b) With respect to claim 12 Ueda et al. further discloses wherein the supporting part (figure 2, item 1b) is slid-able (in, out) relative to the main body (column 4, line 54- 59).

c) With respect to claim 13, Ueda et al. disclose a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis (item Op); and a main body (figure 1, item 1) which is arranged integrally with the supporting part and which comprises an illumination optical system (figure 1, item 11, 12) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, not numbered) intersected at a predetermined angle with the photographing optical axis, wherein the portable device has a command function (figure 1, item 1a, button) which processes graphic data of the photographing objective eyes at an end destination.

d) With respect to claim 15, Ueda et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis (item Op); and a main body (figure 1, item 1) which is arranged integrally with the supporting part and which comprises an illumination optical system (figure 1, item 11, 12) for radiating an illumination beam toward photographing objective eyes

along an illumination optical axis (figure 1, not numbered) intersected at a predetermined angle with the photographing optical axis, wherein the illumination condition of the illumination system (15) is changeable, wherein an illuminating condition depends on an angle formed by the photographing optical axis and the illumination optical axis, and volume of the illumination beam (different angles with different illuminations) (column 4, line 54- 59).

e) With respect to claim 16, Ueda et al. further disclose wherein the main body comprises a photographing assistant optical system (figure 2, item 2) which is configured in such a manner that a photographic condition of the photographing assistant optical system (2) is changeable in accordance with changing of illumination conditions (column 4, line 54- 59).

f) With respect to claim 17, Ueda et al. further discloses wherein the photographing assistant optical system (item 2) comprises a zoom lens and position of zoom of the zoom lens (2) is changeable in accordance with the photographic conditions.

g) With respect to claim 19, Ueda et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis (item Op); and a main body (figure 1, item 1) which is arranged integrally with the supporting part and which comprises an illumination optical system (figure 1, item 11, 12) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, not numbered) intersected at a predetermined angle with the photographing optical axis, wherein the illumination condition of the illumination system (15) is changeable (column 4, line 54- 59); wherein said main body (1) comprises a photographing assistant optical system (item 2) for photographing an eye ground of the photographing objective eyes, and wherein said illumination optical system (11,12) is adapted to

change an angle which forms between said photographing optical axis and the illumination optical system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (U.S. Patent 5,150,146 A), as applied to claims 4 and 13, in view of Cambier et al. (WO 01/20561).

Ueda et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis (item Op); and a main body (figure 1, item 1) which is arranged integrally with the supporting part and which comprises an illumination optical system (figure 1, item 11, 12) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, not numbered) intersected at a predetermined angle with the photographing optical axis, wherein the main body (1) comprises a photographing assistant optical system (figure 2, item 2, zooms lens) which is configured in such a manner that a photographic condition of the photographing assistant optical system (item 2) is changeable in accordance with changing of illumination conditions (column 4, line 54- 59). However, Ueda et al. does not disclose the portable device is a personal digital assistant having a telecommunication function part. Within the same field of endeavor, Cambier et al. disclose a portable authentication device and method

using iris patterns comprising of the portable device is a telephone having telecommunication function part, and therefore adapted to transmit data, symbol and graphic data (see figure 8 and 9A).

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the ophthalmic apparatus with a portable device such as disclosed by Ueda et al., and with a personal digital assistant having a telecommunication function part such as transmitting data, symbol and graphic data as discloses by Cambier et al., for purpose of sending image wirelessly.

Allowable Subject Matter

6. Claims 8, 10, 11, 18 and 20 are allowed.

The reason for the indication of allowable subject matter is that (claim 8) the illumination optical system comprises a slit opening stop and wherein, by projecting a slit illumination beam toward the photographing objective eyes, sectional shapes of a cornea and a crystal lens are photographed; (claim 10) the main body comprises a concentric placido-disc illumination optical system and wherein a cornea of each of the photographing objective eyes is ring-illuminated; (claim 11) the supporting part comprises a pair of legs which are movable to approach and move away or extend and contract with respect to each other; (claim 18) the illumination optical system comprises a slit opening stop and wherein, by projecting a slit illumination beam toward the photographing objective eyes, sectional shapes of a cornea and a crystal lens are photographed; (claim 20) the main body comprises a concentric placido-disc illumination optical system and wherein a cornea of each of the photographing objective eyes is ring-illuminated.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUYEN Q. TRA whose telephone number is (571)272-2343. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT

January 29, 2008


DAVID SPECTOR
PRIMARY EXAMINER
1-31-2008